

2011 DRAFTING REQUEST

Bill

Received: **01/14/2011**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 267-0370**

By/Representing: **Wavrunek**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - parks and forestry**
Nat. Res. - stewardship

Addl. Drafters: **jkreye**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0248 -

Topic:

Aids in lieu of taxes and stewardship provisions regarding land acquisitions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 01/14/2011 jkreye 01/14/2011	csicilia 01/14/2011		_____ _____ _____ _____			S&L
/1			mduchek 01/14/2011	_____ _____	lparisi 01/14/2011		S&L
/2	mglass 01/19/2011	wjackson 01/24/2011	phenry 01/26/2011	_____ _____	sbasford 01/26/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	mglass 01/25/2011	csicilia 01/26/2011		_____			
/3	mglass 01/31/2011	csicilia 01/31/2011	rschluet 01/31/2011	_____	lparisi 02/01/2011		S&L
		csicilia 02/01/2011	rschluet 02/01/2011	_____			
/4	mglass 02/05/2011	csicilia 02/08/2011	phenry 02/08/2011	_____	mbarman 02/09/2011		S&L
	mglass 02/09/2011		rschluet 02/09/2011	_____			
/5		csicilia 02/12/2011	phenry 02/12/2011	_____	mbarman 02/14/2011		S&L
/6	mglass 02/18/2011	wjackson 02/18/2011	phenry 02/18/2011	_____	mbarman 02/18/2011		

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<END>

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DOA:.....Wavrunek, BB0248 -

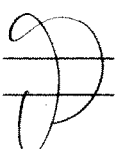
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/2	mglass 01/19/2011	wjackson 01/24/2011	phenry 01/26/2011	_____	sbasford 01/26/2011		S&L

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/4	mglass 02/05/2011	csicilia 02/08/2011	phenry 02/08/2011	_____	mbarman 02/09/2011		S&L
	mglass 02/09/2011		rschluet 02/09/2011	_____			
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/6 WJ 2/18

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/1			mduchek 01/14/2011	ph	lparisi 01/14/2011		S&L
/2	mglass 01/19/2011	wjackson 01/24/2011	phenry 01/26/2011	_____ _____	sbasford 01/26/2011		S&L

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		csicilia 02/01/2011	rschluet 02/01/2011	_____			
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FE Sent For:

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js
2/12
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<END>

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Subject: **Nat. Res. - parks and forestry**
Nat. Res. - stewardship

Addl. Drafters: **jkreye**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0248 -

Topic:

Aids in lieu of taxes and stewardship provisions regarding lands under the jurisdiction of the Department of Natural Resources *land acquisitions*

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			mduchek 01/14/2011	<i>ph</i>	parisi 01/14/2011		S&L
/2	mglass	wjackson	phenry	<i>ph</i>	sbasford		S&L

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	01/25/2011	01/26/2011		_____			
/3	mglass	csicilia	rschluet	_____	lparisi		
	01/31/2011	01/31/2011	01/31/2011	_____	02/01/2011		
		csicilia	rschluet	_____			
		02/01/2011	02/01/2011	_____			

FE Sent For:

/4 g's 2/7
11

<END>

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Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 267-0370**

By/Representing: **Wavrunek**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - parks and forestry**
Nat. Res. - stewardship

Addl. Drafters: **jkreye**

Extra Copies: **MGO - 1**
CMH - 1
(2)

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0248 -

Topic:

Aids in lieu of taxes and stewardship provisions regarding lands under the jurisdiction of the Department of Natural Resources

Instructions:

See attached

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/1			mduchek 01/14/2011	_____	lparisi 01/14/2011		S&L
/2	mglass	wjackson	phenry	_____	sbasford		

(Handwritten signature and date 1/31/11)

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	mglass	csicilia		_____			
	01/25/2011	01/26/2011		_____			

FE Sent For:

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<END>

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Wanted: As time permits

Companion to LRB:

For: Administration-Budget 267-0370

By/Representing: Wavrunek

May Contact:

Drafter: mglass

Subject: Nat. Res. - parks and forestry
Nat. Res. - stewardship

Addl. Drafters: jkreye

Extra Copies: cc: Cathlene

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BAB0024

stewardship provisions

Topic:

Aids in lieu of taxes and joint finance review regarding lands under the jurisdiction of the Department of Natural Resources

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mglass 01/14/2011 jkreye 01/14/2011	csicilia 01/14/2011					S&L
/1	12/26/11 mduchek 01/14/2011				lparisi 01/14/2011		

ph
md

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **01/14/2011**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 267-03070**

By/Representing: **Wavrunek**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - parks and forestry**
Nat. Res. - stewardship

Addl. Drafters: **jkreye**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BAB0024 -

Topic:

Aids in lieu of taxes and joint finance review regarding lands under the jurisdiction of the Department of Natural Resources

Instructions:

See attached

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/?	mglass						
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1/14
11

[Signature]

FE Sent For:

<END>

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Thursday, January 13, 2011 5:00 PM
To: Gibson-Glass, Mary; Kite, Robin
Subject: FW: Statutory Language Drafting Request - Budget Adjustment Bill

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Thursday, January 13, 2011 4:48 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Steinmetz, Jana D - DOA; Wavrunek, Leah J - DOA
Subject: Statutory Language Drafting Request - Budget Adjustment Bill

Topic: Aids in Lieu of Property Taxes and Stewardship Review

Tracking Code: BAB0024

SBO Team: Agriculture, Environment and Justice

SBO Analyst: Wavrunek, Leah J - DOA
Phone: (608) 267-0370
E-mail: leah.wavrunek@wisconsin.gov

Agency Acronym: DNR

Agency Number: 370

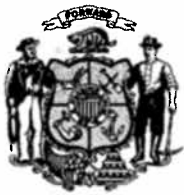
Priority: High

Intent:

1. Eliminate aids in lieu of property taxes paid to municipalities for DNR owned land, effective for all purchases made after the effective date of the bill.

2. Change the threshold for Joint Committee Finance review of Stewardship purchases under s. 23.0917(6m). Reduce the threshold from \$750,000 to \$250,000.

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-10537
JK/MGG:J:...

DOA:.....Wavrunek, BAB0024 - Aids in lieu of taxes and joint finance review regarding lands under the jurisdiction of the Department of Natural Resources

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

in 1-14-11

SKD
x-14-11

D. NOT Gen Today

1 AN ACT...; relating to: the budget.

JCF

JCF

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, if a land acquisition or development project under the stewardship program costs more than \$750,000, the Department of Natural Resources (DNR) cannot obligate money from the stewardship fund for that activity until DNR gives written notice of the proposed activity to the Joint Committee on Finance (JCF). JCF may schedule a meeting to review the proposal only if at least five members of JCF, one of whom is a cochairperson, object in writing to the proposed activity. If the cochairpersons of JCF do not notify DNR within 14 working days after the date of DNR's notification that JCF had scheduled a meeting to review the proposed activity, DNR can obligate the money. If the cochairpersons notify DNR that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money only if JCF approves the proposed activity or if JCF fails to hold within a specific number of working days. This bill decreases the \$750,000 threshold amount to \$250,000.

the meeting

Under current law, land that DNR purchases is not subject to property taxes. Instead, DNR makes annual payments to municipalities for each parcel of land that

JCF

the DNR has purchased in those municipalities. The payment amount is determined, generally, by multiplying the parcel's estimated value by the aggregate net general property tax rate that would apply to the parcel if it were subject to property taxes. This bill would eliminate those payments for land purchased after the bill's effective date.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.0917 (6m) (c) of the statutes is amended to read:

2 23.0917 (6m) (c) The procedures under pars. (a) and (b) apply only to an amount
3 for a project or activity that exceeds ~~\$750,000~~ \$250,000, except as provided in pars.
4 (d) and (dm).

5 History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

6 **SECTION 2.** 23.0917 (6m) (dm) (intro.) of the statutes is amended to read:

7 23.0917 (6m) (dm) (intro.) The procedures under pars. (a) and (b) apply to an
8 amount for a project or activity that is less than or equal to ~~\$750,000~~ \$250,000 if all
9 of the following apply:

10 History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

11 **SECTION 3.** 23.0917 (6m) (dm) 1. of the statutes is amended to read:

12 23.0917 (6m) (dm) 1. The project or activity is so closely related to one or more
13 other department projects or activities for which the department has proposed to
14 obligate or has obligated moneys under s. 20.866 (2) (ta) that the projects or
15 activities, if combined, would constitute a larger project or activity that exceeds
16 ~~\$750,000~~ \$250,000.

17 History: 1999 a. 9, 185; 2001 a. 16, 30, 109; 2003 a. 33; 2007 a. 20; 2009 a. 28.

18 **SECTION 4.** 70.114 (5) of the statutes is created to read:

1 70.114 (5) SUNSET. No aids shall be paid under this section for lands acquired
2 after the effective date of this subsection[✓] (LRB inserts date).

3 (END)

Handwritten scribbles and brackets. A line from the word "subsection" in line 2 loops down and to the right, ending in a bracket. Another line from the word "subsection" loops down and to the left, ending in a bracket. A third line from the word "subsection" loops down and to the right, ending in a bracket. A fourth line from the word "subsection" loops down and to the left, ending in a bracket. A fifth line from the word "subsection" loops down and to the right, ending in a bracket. A sixth line from the word "subsection" loops down and to the left, ending in a bracket. A seventh line from the word "subsection" loops down and to the right, ending in a bracket. A eighth line from the word "subsection" loops down and to the left, ending in a bracket. A ninth line from the word "subsection" loops down and to the right, ending in a bracket. A tenth line from the word "subsection" loops down and to the left, ending in a bracket.

Gibson-Glass, Mary

for 12

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]

Sent: Monday, January 24, 2011 4:17 PM

To: Gibson-Glass, Mary

Subject: RE: Stewardship access redrafting instructions

Yes.

now in regular budget bill

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]

Sent: Monday, January 24, 2011 4:03 PM

To: Wavrunek, Leah J - DOA

Subject: RE: Stewardship access redrafting instructions

Leah,

I assume that the priorities are to apply across all the subprograms under s. 23.0917. For example, an acquisition of an easement under the stream bank protection program (s. 23.094) would have a lower priority and an acquisition in fee simple under the urban green space program (s. 23.09 (19)) as well being a lower priority under the stream bank protection program.

Please let me know as soon as possible.

Thanks,

Mary

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]

Sent: Monday, January 24, 2011 11:09 AM

To: Gibson-Glass, Mary

Subject: RE: Stewardship access redrafting instructions

Mary,

I looked up the definition for "local entity." Based on the definition under 66.0131(1)(a) (referenced under 30.77(3)(dm)1.b.), would a school district or tech college district be included as a "local entity"?

Also, I agree with all of your assumptions outlined below.

Thanks,
leah

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]

Sent: Monday, January 24, 2011 10:43 AM

To: Wavrunek, Leah J - DOA

Subject: Stewardship access redrafting instructions

Leah:

In drafting this, I am making the following assumptions:

1. The draft is to apply only to acquisitions through the grant making process, and not to land acquired directly by DNR.

1/25/2011

2. The draft is to apply only to grants for acquisitions that are awarded after the effective date.
3. Local units of government must, as opposed to may, pass the resolution. "Impacted" means that all or part of the proposed acquisition is within the boundaries of the city, village, or town.
4. "Local units of government" means city village or town. If county or other local entity is added, then there will need to be more than one resolution, unless the resolution is optional.
5. At first glance, I do not think #3 below will be needed. If it is prohibited by state law then locals cannot contradict it. However, I'll make sure with our municipality drafter.

#4 is the most difficult to draft but as of now I have no questions.

Mary

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Monday, January 24, 2011 10:31 AM
To: Gibson-Glass, Mary
Subject: RE: Statutes dealing with where one can hunt or possess or discharge a firearm

Mary,

We've had some additional conversations with DNR and I think the following points are what they want accomplished in the changes to the draft:

1. All local units of government impacted by the purchase must pass a resolution in support or opposition to the purchase. This resolution would be nonbinding on DNR and taken into consideration by the department for the purchase. The resolution would be required for grants to local governments and grants to NCOs. (we discussed this last week)
2. The grant must permit public access for nature based outdoor activities, unless a prohibition is necessary for public safety or protection of a unique plant or animal community, as determined by DNR.
3. The local government where the land subject to the grant is located may not place more restrictions to access than those determined by the state.
4. Priority for grants would be given to land acquired in fee simple, compared to purchase of development rights or easements.

Please let me know if this is not draftable or what additional information you may need.
Thanks for your patience and help!
leah

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Thursday, January 20, 2011 2:07 PM
To: Wavrunek, Leah J - DOA
Subject: Statutes dealing with where one can hunt or possess or discharge a firearm

Leah,

Below is a list of various statutes dealing with possessing and discharging firearms and restricting where people may hunt. I took the liberty of omitting some of the provisions that provided exemptions or that did not seem to be relevant. There may be a few more statutes and if one of our criminal drafters finds more, I'll get them to you tomorrow. (They are both very busy today with amendments, etc.)

29.038 Local regulation of wild animals.

(2) No local governmental unit may enact any ordinance or adopt any regulation, resolution or other restriction for the purpose of regulating the hunting, fishing, trapping or management of wild animals, except as follows:

(a) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that is authorized under this chapter.

(b) A local governmental unit may enact an ordinance or adopt any regulation, resolution or other restriction that restricts or prohibits access for hunting, fishing or trapping in any portion of land that it owns or leases.

29.089 Hunting on land in state parks and state fish hatcheries.

(1) Except as provided in sub. (3), no person may hunt or trap on land located in state parks or state fish hatcheries.

(2) Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

(3) A person may hunt deer, elk, wild turkeys, or small game in a state park, or in a portion of a state park, if the department has authorized by rule the hunting of that type of game in the state park, or in the portion of the state park, and, except as provided in s. 29.063 (5), if the person holds the approvals required under this chapter for hunting that type of game.

29.091 Hunting or trapping in wildlife refuge. No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621, or have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

29.621 Wildlife refuges. (4) *Protection.* Except as provided in s. 29.091, no owner of a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. Nothing in this section may prohibit, prevent or interfere with the department in the destruction of injurious animals. No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621, or have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

29.095 Hunting on land in a school forest. If a school board decides under s. 120.13 (38) that hunting may be allowed in its school forest, as defined in s. 26.39 (1) (a), the department shall establish and maintain open and closed seasons for game located in that school forest that are consistent with the open and closed seasons for game located on the lands adjacent to the school forest.

29.095 Hunting on land in a school forest. If a school board decides under s. 120.13 (38) that hunting may be allowed in its school forest, as defined in s. 26.39 (1) (a), the department shall establish and maintain open and closed seasons for game located in that school forest that are consistent with the open and closed seasons for game located on the lands adjacent to the school forest.

29.301 General restrictions on hunting. (1) (b) No person may hunt within 1,700 feet of any hospital, sanatorium or the grounds of any school. The department may designate the form for or furnish signs designating the restricted area. No person may be convicted of a violation of this paragraph unless the restricted area is designated by the signs.

66.0409 Local regulation of firearms. (2) Except as provided in subs. (3) and (4), no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same

as or similar to, and no more stringent than, a state statute.

(b) Nothing in this section prohibits a city, village or town that is authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance or adopting a resolution that restricts the discharge of a firearm.

167.30 Use of firearms, etc., near park, etc. Any person who shall discharge or cause the discharge of any missile from any firearm, slung shot, bow and arrow or other weapon, within 40 rods of any public park, square or enclosure owned or controlled by any municipality within this state and resorted to for recreation or pleasure, when such park, square or enclosure is wholly situated without the limits of such municipality, shall be punished by imprisonment in the county jail not exceeding 60 days or by fine of not more than \$25 nor less than one dollar.

167.31 (title) Safe use and transportation of firearms and bows. (2) *Prohibitions; motorboats and vehicles; highways and roadways.* (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

941.20 Endangering safety by use of dangerous weapon. (1) Whoever does any of the following is guilty of a Class A misdemeanor:

(d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any tent, bus, truck, vehicle or similar portable unit. **This is the statute that you were referring to earlier.**

948.605 Gun-free school zones. (1) *Definitions.* In this section:

(c) "School zone" means any of the following:

1. In or on the grounds of a school.
2. Within 1,000 feet from the grounds of a school.

(2) *Possession of firearm in school zone.* (a) Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone is guilty of a Class I felony.

(3) *Discharge of firearm in a school zone.* (a) Any individual who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place the individual knows is a school zone is guilty of a Class G felony.

Mary Gibson-Glass

Senior Legislative Attorney

Legislative Reference Bureau

608 267 3215

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]

Sent: Wednesday, January 19, 2011 8:58 AM

To: Gibson-Glass, Mary

Subject: LRB-1053/1

Hi Mary,

Below are some changes we would like to see added to the draft for changes to Stewardship purchases.

1. Add a provision that all local units of government impacted by the purchase may pass a resolution in support or opposition of the purchase by DNR. This resolution would be nonbinding and would be taken into consideration by the department for Stewardship purchases.
2. The only exception to public access on newly acquired Stewardship land would be for hunting within a certain distance of a residence. I believe there is current language on how far a hunter must be from a residence when hunting?

*open except
if close to
building*

This hasn't been requested yet, but in case I am asked, could the new requirement for public access with the one restriction (no hunting within certain distance of a residence) be made retroactive to all property purchased since October 27, 2007? This would effectively replace the language under s. 23.0916(2)(b) and (3)(b).

If you have any questions, please give me a call. We are still working out the details with DNR, so I may not have answers for you right away but I will certainly follow up with them to get the answers.

Thanks,
leah

Leah Wavrunek
State Budget Office
P: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

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Creature of State*

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]

Sent: Thursday, January 20, 2011 8:47 AM

To: Gibson-Glass, Mary

Subject: LRB-1053/1

Hi Mary,

I got a little more direction from DNR on the stewardship access changes. I will put the caveat on that their directions have been somewhat vague so Jana and I are trying to distill their ideas into drafting instructions, but I don't think we are quite there yet. Please take a look at the items below and let me know where you still need more detail and we will bring it back to the department.

1. Resolutions in support: These must be received by the department prior to the awarding of a grant to a local unit of government or a NCO.
2. Access to land purchased after the effective date of the bill: Shall permit access to the land for nature-based outdoor activities, with the following exceptions: current law provisions related to hunting and discharging a firearm (not sure how to reference those, as they are spread throughout the statutes) and to protect public safety and the environment as determined by the department.

I know this second one is vague but since there is any number of odd occurrences that could pop up on a property, we didn't want to get too specific.

Let me know of any questions or concerns.

Thanks!
leah

Leah Wavrunek
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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Department land ~~OPEN~~

(non MFL)

acquired at any time - may not prohibit
unless to

protect public safety
" " Unique Communities
accommodate usership patterns

~~non~~ MFL ~~acquired~~ w/ after 10/07 that
is now department land (easements only)
See above

easements acquired before date by DNR
→ need not open it

Non dept land

grants after 10/7⁰ must open unless
see above

grants before 10/07 need not be open



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR
2

LRB-1053/H

JK&MGG:cjs:md

slays

Stewardship provisions

Note

DOA:.....Wavrunek, BAB0024 - Aids in lieu of taxes and ~~joint finance review~~
regarding lands under the jurisdiction of the Department of
Natural Resources

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

LPS: fix
request
sheet as
shown on
request
sheet

1 AN ACT ...; relating to: the budget.

INSERT

ANL

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, if a land acquisition or development project under the stewardship program costs more than \$750,000, DNR cannot obligate money from the stewardship fund for that activity until DNR gives written notice of the proposed activity to JCF. JCF may schedule a meeting to review the proposal only if at least five members of JCF, one of whom is a cochairperson, object in writing to the proposed activity. If the cochairpersons of JCF do not notify DNR within 14 working days after the date of DNR's notification that JCF had scheduled a meeting to review the proposed activity, DNR can obligate the money. If the cochairpersons notify DNR that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money only if JCF approves the proposed activity or if JCF fails to hold the meeting within a specific number of working days. This bill decreases the \$750,000 threshold amount to \$250,000.

Under current law, land that DNR purchases is not subject to property taxes. Instead, DNR makes annual payments to municipalities for each parcel of land that the DNR has purchased in those municipalities. The payment amount is

Aid in lieu of taxes for DNR lands

Sub sub

determined, generally, by multiplying the parcel's estimated value by the aggregate net general property tax rate that would apply to the parcel if it were subject to property taxes. This bill eliminates those payments for land purchased after the bill's effective date.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

— INSERT 2-1

1 **SECTION 1.** 23.0917 (6m) (c) of the statutes is amended to read:

2 23.0917 (**6m**) (c) The procedures under pars. (a) and (b) apply only to an amount
3 for a project or activity that exceeds ~~\$750,000~~ \$250,000, except as provided in pars.
4 (d) and (dm).

5 **SECTION 2.** 23.0917 (6m) (dm) (intro.) of the statutes is amended to read:

6 23.0917 (**6m**) (dm) (intro.) The procedures under pars. (a) and (b) apply to an
7 amount for a project or activity that is less than or equal to ~~\$750,000~~ \$250,000 if all
8 of the following apply:

9 **SECTION 3.** 23.0917 (6m) (dm) 1. of the statutes is amended to read:

10 23.0917 (**6m**) (dm) 1. The project or activity is so closely related to one or more
11 other department projects or activities for which the department has proposed to
12 obligate or has obligated moneys under s. 20.866 (2) (ta) that the projects or
13 activities, if combined, would constitute a larger project or activity that exceeds
14 ~~\$750,000~~ \$250,000.

~~INSERT 2-4~~

15 **SECTION 4.** 70.114 (5) of the statutes is created to read:

16 70.114 (**5**) SUNSET. No aids shall be paid under this section for lands acquired
17 after the effective date of this subsection [LRB inserts date].

18 (END)

— INSERT 2-6

d-note

1 **Insert ANL**

2 ***Land acquisition using stewardship grants***

3 Under current law, DNR administers the stewardship program which provides
4 grants to certain units of government and nonprofit conservation organizations for
5 various conservation purposes such as increasing urban green space and protecting
6 stream banks or bluffs along the Great Lakes, ~~protection of habitat areas,~~ Under
7 the program, DNR may provide grants to acquire either land or easements,
8 development rights, or other interests in land, ~~for urban green space local parks, or~~
9 ~~for the protection habitat areas, stream banks, rivers in urban areas, and bluffs~~
10 ~~along the Great Lakes.~~

11 The bill requires that DNR, in awarding these grants for land acquisition, ~~that~~
12 ~~the department~~ give higher priority to fee simple acquisitions than to acquisitions
13 of easements or other rights in land. An acquisition in fee simple is one where all
14 the interest in the land is acquired as opposed to an easement or development rights.

15 The bill also ~~provides that~~ ^{requires} a city, village, town, or county to adopt a nonbinding
16 resolution that either supports or opposes ^{a proposed} an acquisition of land with a stewardship
17 grant and requires DNR to consider the resolution in determining whether to ~~make~~
18 ~~the acquisition.~~ ^{approve the grant} ^{and}

19 Under current law, land ~~or~~ certain easements on lands, acquired using a
20 stewardship grant or by DNR directly using stewardship funding must be open to the
21 public for nature-based outdoor activities such as hunting, fishing, hiking, and
22 cross-country skiing unless the DNR board determines that the land may be closed
 to protect public safety or a unique animal or plant community or to accommodate

use analysis components

public

these

with respect to

usership patterns such as conflicts between the types of activities (reasons for prohibiting access).

The bill eliminates the accommodation of usership patterns as a reason for prohibiting public access land^s, or certain on land easements, that are acquired with stewardship grants after the bill becomes law. The bill also provides, for these lands and easements, that no local unit of government or state agency may enact an ordinance, promulgate a rule, or adopt any other regulation that restricts nature-based activities that is not in conformance with state law or with a determination concerning access made by the DNR for the land in question.

Joint finance review of stewardship acquisition

Insert 2-1

SECTION 1. 23.0916 (1) (am) of the statutes is created to read:

23.0916 (1) (am) A "local governmental unit" means a city, a village, a town, a county, a special purpose district in this state, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

SECTION 2. 23.0916 (1) (bg) of the statutes is created to read:

23.0916 (1) (bg) "State agency" has the meaning given in s. 16.004 (12) (a).

SECTION 3. 23.0916 (2) (a) of the statutes is amended to read:

23.0916 (2) (a) Except as provided in par. (b) and sub. (4), any person receiving a stewardship grant on or after October 27, 2007 and before the effective date of this paragraph ... [LRB inserts date], that will be used to acquire land in fee simple or

use analysis components

1 to acquire an easement on former managed forest land shall permit public access to
2 the land for nature-based outdoor activities.

History: 2007 a. 20; 2009 a. 28.

3 **SECTION 4.** 23.0916 (2) (b) (intro.) of the statutes is amended to read:

4 23.0916 (2) (b) (intro.) The person receiving ~~the~~ a stewardship grant subject to
5 par. (a) may prohibit public access for one or more nature-based outdoor activities,
6 only if the natural resources board determines that it is necessary to do so in order
7 to do any of the following:

History: 2007 a. 20; 2009 a. 28.

8 **SECTION 5.** 23.0916 (2) (c) of the statutes is created to read:

9 23.0916 (2) (c) Except as provided in par. (d) and sub. (4), any person receiving
10 a stewardship grant on or after the effective date of this paragraph [LRB inserts
11 date], that will be used to acquire land in fee simple or to acquire an easement on
12 former managed forest land shall permit public access to the land for nature-based
13 outdoor activities.

History: 2007 a. 20; 2009 a. 28.

14 **SECTION 6.** 23.0916 (2) (d) of the statutes is created to read:

15 23.0916 (2) (d) The person receiving ^a stewardship grant subject to par (c) may
16 prohibit public access for one or more nature-based outdoor activities only if the
17 natural resources board determines that it is necessary to do so in order to do any
18 of the following:

19 1. Protect public safety.

(2)

20 2. Protect a unique animal or plant community.

(3)

21 **SECTION 7.** 23.0916 (2) (e) of the statutes is created to read:

22 23.0916 (2) (e) Notwithstanding ss. 29.038 ~~(2)~~ (b) and 66.0409 ~~(2)~~ (b), a local
23 governmental unit or state agency may not enact any ordinance, promulgate any
24 rule, or adopt any regulation, resolution, or other restriction that prohibits public

1 access for any nature-based outdoor activity to land for which a stewardship grant
2 is awarded under par. (c) unless the ordinance, rule, regulation, resolution, or
3 restriction is in strict conformance with state law or with a determination made by
4 the natural resources board under par. (d).

5 **SECTION 8.** 23.0916 (3) (b) (intro.) of the statutes is amended to read:

6 23.0916 (3) (b) (intro.) The department may prohibit public access for one or
7 more nature-based outdoor activities only if the natural resources board determines
8 that it is necessary to do so in order to do any of the following:

History: 2007 a. 20; 2009 a. 28.

9 **SECTION 9.** 23.0916 (4) of the statutes is amended to read:

10 23.0916 (4) FISH AND GAME REFUGES. The department or an owner of land that
11 is in a fish or game refuge and that is subject to sub. (2) (a) or (c) or (3) (a) may prohibit
12 hunting, fishing, or trapping, or any combination thereof.

History: 2007 a. 20; 2009 a. 28.

13 **SECTION 10.** 23.0916 (5) (a) of the statutes is amended to read:

14 23.0916 (5) (a) Provisions relating to public access for nature-based outdoor
15 activities for all lands other than those subject to sub. (2) (a) or (c) or (3) (a) that are
16 acquired in whole or in part with funding from the stewardship programs under ss.
17 23.0915 and 23.0917.

History: 2007 a. 20; 2009 a. 28.

18 **SECTION 11.** 23.0916 (5) (b) of the statutes is amended to read:

19 23.0916 (5) (b) A process for the review of determinations made under subs. (2)
20 (b) or (c) and (3) (b). (d)

History: 2007 a. 20; 2009 a. 28.

21 **SECTION 12.** 23.0917 (5r) of the statutes is created to read:

22 23.0917 (5r) PRIORITY FOR FEE SIMPLE ACQUISITIONS. In awarding stewardship
23 grants, as defined in s. 23.0916 (1) (c), for land acquisition the department shall give

higher priority to acquisitions of land in fee simple than to acquisitions of easements or other rights in land.

SECTION 13. 23.0917 (5r) of the statutes is created to read:

23.0917 (5r) LOCAL GOVERNMENTAL RESOLUTIONS. Each city, village, town, or county ~~that~~ shall adopt a nonbinding resolution that supports or opposes the proposed acquisition of land funded by a stewardship grant, as defined in s. 23.0916 (1) (c), if the all or a portion of the land is located in the city, village, town, or county. The department shall provide written notification to each city, village, town, or county that is required to adopt a resolution. Within 30 days after receiving the notification, the city, village, town, or county shall adopt the resolution and shall provide the department with a copy of the resolution. If the department receives the copy within this time period, the department may not approve or deny the stewardship grant until it takes^s the resolution into consideration in determining whether it will approve or deny the grant.

Insert 2-6

SECTION 9335. Initial applicability; Natural Resources.

(1) STEWARDSHIP GRANTS. The treatment of section 23.0917 (5r) and (5t) of the statutes first applies to applications for stewardship grants that are submitted to the department of natural resources on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1053/2dn

MGG:/....

gis

- late -

Attention: Leah Wavrunek

This draft should be reviewed carefully to ensure that it achieves the desired intent.

I did not add the language, "as determined by rule" for the unique animal and plant communities to maintain consistency with s. 23.0916 (2) (b) 2. and (3) (b) 2. and because DNR has already promulgated rules concerning this for purposes of these provisions. See NR 52.05 (1) (b), Wis. adm. code. ✓ ✓

≡ ≡

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1053/2dn
MGG:cjs:ph

January 26, 2011

Attention: Leah Wavrunek

This draft should be reviewed carefully to ensure that it achieves the desired intent.

I did not add the language, "as determined by rule" for the unique animal and plant communities to maintain consistency with s. 23.0916 (2) (b) 2. and (3) (b) 2. and because DNR has already promulgated rules concerning this for purposes of these provisions. See NR 52.05 (1) (b), Wis. Adm. Code.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

- ① apply to DNR land, prospectively
- ② ^{no} acquisition of dev. rts. ~~to~~ thru grants or by DNR
- ③ Limited easement OK thru grants or by DNR 23.09(10)
if necessary for access to other public land
- ④ "forests legacy" easements - no ^{local} resolution will
be needed
- ⑤ use of term "nonbinding" —→ local cannot
bind them in 1st place ^{OK}
_{as is}